

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 DERRICK QUINN JONES,

11 Plaintiff,

12 v.

13 PIERCE COUNTY JAIL, *et al.*,

14 Defendants.

CASE NO. C22-5049-JCC

ORDER

15 This matter comes before the Court on the Report and Recommendation (“R&R”) of the
16 Honorable David W. Christel, United States Magistrate Judge (Dkt. No. 5) and Plaintiff’s
17 objections to the same (Dkt. No. 6). Having reviewed Plaintiff’s objections, the R&R, and the
18 relevant record, the Court hereby OVERRULES Plaintiff’s objections, ADOPTS the R&R, and
19 DISMISSES Plaintiff’s complaint with prejudice for the reasons explained below.

20 Petitioner is awaiting trial and currently detained at the Pierce County Jail. (Dkt. 5 at 2.)
21 He filed a proposed civil rights complaint alleging that the Jail violated his rights under the
22 Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) by publishing his health
23 information online. (*See generally* Dkt. No. 1.) Judge Christel recommends that Plaintiff’s civil
24 rights complaint be dismissed for failure to state a claim because HIPAA provides no private
25 right of action. (Dkt. No. 5 at 1–2 (citing *Garmon v. Cnty. of Los Angeles*, 499 F.3d 1079, 1081
26 (9th Cir. 2007) (quotation omitted).)

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1 In his objections, Plaintiff merely realleges that his medical information was published on
2 the Pierce County Sheriff's website without his permission in violation of his right to privacy.
3 (Compare Dkt. No. 1 at 3–6, with Dkt. No. 6 at 3–4.) This does not address Judge Christel's
4 primary reasoning: that HIPAA provides no private right of action. (Dkt. No. 5 at 2 (citing
5 *Garmon v. County of Los Angeles*, 499 F.3d 1079, 1081 (9th Cir. 2007) (quotation omitted).)
6 Plaintiff thus identifies nothing incorrect about Judge Christel's conclusion that Plaintiff fails to
7 state a claim for which relief can be granted. (*Id.* at 3.)

8 Nor do his objections overcome Judge Christel's recommendation that, because any
9 amendment would be futile, Plaintiff's claims should be dismissed with prejudice and without
10 leave to amend. (*Id.* (citing *Davenport v. Richards*, 2008 WL 2678371, slip. op. at 3 (W.D.
11 Wash. June 30, 2008) (finding plaintiff's claims relied solely on alleged violations of HIPAA,
12 and because HIPAA provides no private right of action, the claims must be dismissed).) The
13 Court agrees with these conclusions.

14 Accordingly, the Court ORDERS:

- 15 1. Plaintiff's objections (Dkt. No. 6) are OVERRULED.
- 16 2. The R&R (Dkt. No. 5) is ADOPTED.
- 17 3. Plaintiff's proposed complaint (Dkt. No. 1) is DENIED and this action is DISMISSED
18 with prejudice.
- 19 4. As Plaintiff has failed to state a claim upon which relief can be granted, this dismissal
20 constitutes a strike under 42 U.S.C. § 1915(g).
- 21 5. Plaintiff's pending motion to proceed *in forma pauperis* IS DENIED as moot.
- 22 6. The Clerk is DIRECTED to close this case and send copies of this order to Petitioner,
23 counsel for Defendants, and to the Honorable David W. Christel.

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1 DATED this 10th day of March 2022.
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7 John C. Coughenour
8 UNITED STATES DISTRICT JUDGE
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